

Board of Respiratory Care Minutes

Date: August 27, 2009

Time: 8:00 a.m., C.D.T.

Location: Iris Conference Room, Ground Floor
227 French Landing Drive
Heritage Place, Metro Center
Nashville, TN 37243

Members Present: Candace Partee, Chair
Roger Major, Secretary
Gene Gantt
Delmar Mack, Ed.D.
Teresa Hatcher
Colleen Schabacker

Members Absent: Darryl Jordan, M.D.

Staff Present: Marva Swann, Board Director
Mary Webb, Board Administrator
Shiva Bozarth, Advisory Attorney
Elizabeth Miller, HRB Director
Denise Moran, Director, Office of Investigations

Guests Present: John Williams, Tennessee Society for Respiratory Care
Xavier Ramirez, RRT, Columbia, South America
Mike Harkreader, Director, Tennessee Professional Assistance Program

With a quorum being present, Candace Partee, Chair, called the meeting to order at 9:10 a.m.

Conflict of Interest

Shiva Bozarth advised Board members of their responsibilities under the Conflict of Interest Policy. They were asked to read and sign the policy if they had not previously done so.

Office of General Counsel Report

Mr. Bozarth presented the following report from the Office of General Counsel:

Rules

1. *Use of Titles, Continuing Education, Disciplinary Conditions, Board Consultants* [1330-1-.02, 12, .15, .19] –These rules were sent to the Attorney General’s Office on June 20, 2009.

Litigation

OGC currently has eight (8) open disciplinary cases pertaining to the Board of Respiratory Care. One of these cases comes before the Board today in the form of a Consent Order.

Mr. Bozoarth researched whether a definition of polysomnography as it relates to respiratory care should be added to the rules governing respiratory care. The answer is no. The statute prevents any entity other than physicians from defining the practice of polysomnography. The relationship between respiratory care and polysomnography can still be defined in the rules of respiratory care.

Mr. Bozarth presented a draft of a letter (attached hereto) to the Committee of Polysomnography and the Board of Medical Examiners requesting that Rule 0880-14-.09 (1)(c) be amended to allow continuing education courses approved by the Tennessee Society for Respiratory Care (TSRC) and the American Association for Respiratory Care (AARC) to be utilized to satisfy the continuing education requirements of Polysomnography Professional Standards Committee's licensees. A motion was made by Ms. Schabacker seconded by Mr. Major to approve the letter as drafted. The motion carried.

Approval of Minutes

Ms. Schabacker made a motion seconded by Dr. Mack to approve the minutes from the June 25, 2009 board meeting as amended. The motion carried.

Ms. Schabacker made a motion seconded by Mr. Major to approve the minutes from the June, 5, 2009 Task Force meeting as presented. The motion carried.

Investigation and Disciplinary Reports

Denise Moran, Director of the Office of Investigations, presented the RRT and CRT investigative and disciplinary reports. In July 2009 there were three (3) open RRT cases and one (1) open CRT case. A complaint review is scheduled for September 11, 2009. There are currently nineteen (19) respiratory practitioners being monitored after Board disciplinary action.

Tennessee Professional Assistance Program (TnPAP) Report

Mike Harkreader, Director of Tennessee Professional Assistance Program (TnPAP), submitted the report. For the period of July 1, 2008 through June 30, 2009, three (3) practitioners were monitored. There were six (6) referrals received, four (4) from the Board and two (2) from the employer. Two (2) referrals signed a monitoring agreement. Two (2) referrals were made for history of arrest/illegal drug use/DUI,, one (1) for substance abuse/dependence, two (2) for unprofessional conduct, and one (1) for a positive drug screening in the workplace.

During this period, eleven (11) practitioners were discharged from the program, three (3) because monitoring was deemed unnecessary, two (2) noncompliant, one (1) refused enrollment, and five (5) upon their successful completion of the monitoring agreement.

Consent Orders

Reginald E. Rogers, RRT License #1203—Mr. Bozarth presented a Consent Order for Mr. Rogers due to his having performed blood gas tests in the Middle Tennessee Medical Center's nursery without ABG endorsement. At the time of Mr. Rogers' initial licensure, ABG endorsement had to be requested and documented proof submitted of education in blood gas analysis (ABG). Mr. Rogers failed to make this request or submit required documentation. The Board has since amended its requirements for ABG endorsement to require proof of passing the National Board of Respiratory Care (NBRC) examination. After discussion, a motion was made by Dr. Mack seconded by Mr. Major to reject the Consent Order. The motion carried. A motion was made by Dr. Mack seconded by Mr. Gantt to send Mr. Rogers a letter of Advisory Censure. The motion carried. A motion was subsequently made by Dr. Mack and seconded by Mr. Gantt to advise Mr. Rogers to request ABG endorsement and resubmit proof of his having passed the NBRC examination in order to have ABG endorsement added to his RT license. Ms. Schabacker recused herself. The motion carried.

Matilda Barnes, RRT. License # 1203—Mr. Bozarth presented a Consent Order for Ms. Barnes due to her failure to comply with an assessment and recommendation from TnPAP that she participate in residential treatment for a drug addiction. She was subsequently dismissed from the TnPAP program. Ms. Barnes agreed to five (5) years probation not to be lifted until she has been assessed by TnPAP and completed all of their required recommendations. After discussion, Ms. Schabacker made a motion seconded by Ms. Hatcher to approve the Consent Order. The motion carried.

Applicant Interview/File Review

- A. **Kristin Thomas**—Ms. Thomas appeared before the Board due to a criminal conviction. After interview and discussion Ms. Schabacker made a motion to approve Ms. Thomas for an RT license. Mr. Major recused himself. The motion carried.
- B. **Stephanie West**—Ms. West appeared before the Board due to practicing for eight months past the expiration date of her temporary permit. After interview and discussion, Dr. Mack made a motion seconded by Mr. Major to discipline Ms. West by requiring her to not only submit a new application and reinstatement fees to issue a letter of censure, and to assess a civil penalty and require ten additional continuing education contact hours. Mr. Gantt made a motion seconded by Ms. Hatcher to amend the original motion to make the amount of civil penalty one hundred (\$100.00) dollars. Ms. Schabacker recused herself. The motion carried.
- C. **Merissa Barry**—Ms. Barry was not present. Ms. Barry's application was brought before the Board due to her request that the Board reconsider their previous decision requiring her to obtain a favorable evaluation from TnPAP before approval of her upgrade from CRT to RRT licensure because of financial hardship. After discussion, Ms. Schabacker made a motion seconded by Mr. Major to grant her an upgrade from CRT to RRT licensure contingent upon a favorable evaluation from TnPAP. The motion carried.
- D. **Betty Painter**—Ms. Painter was not present. After an audit of continuing education hours for the years 2006 and 2007 Ms. Painter was found to be deficient by eleven hours and was sent an Agreed Citation. She submitted a letter requesting that the Board waive the continuing education hours and civil penalty because of her inability to obtain the hours due to personal

illness. After discussion, a motion was made by Mr. Major seconded by Dr. Mack to grant her request to waive the deficient continuing education hours and civil penalty. The motion carried.

- E. Janet Flynt—Ms. Flynt was not present. After an audit of continuing education hours for the years 2007 and 2008, Ms. Flynt was found to be deficient by twenty-eight hours. She submitted a letter requesting that the Board waive the continuing education hours because of her inability to obtain them due to personal illness. After discussion, a motion was made by Ms. Schabacker and seconded by Dr. Mack to grant her request to waive the continuing education hours. The motion carried.
- F. Jonathan Walters—Mr. Walters appeared before the Board due to a criminal conviction. Mr. Walters has been granted an unrestricted temporary license in the State of Mississippi. After interview and discussion, Dr. Mack made a motion seconded by Mr. Major to approve Mr. Walters for full licensure. The motion carried.
- G. Amanda Skalka—Ms. Skalka was not present. Her application was presented to the Board because of a DUI conviction. After review and discussion, a motion was made by Ms. Schabacker and seconded by Dr. Mack to approve Ms. Skalka for licensure pending a favorable evaluation from TnPAP. The motion carried.

Agreed Citations

Mr. Bozarth presented to the Board the following list of licensees issued Agreed Citations for deficient continuing education hours following an audit:

JONATHAN WEAVER
BARBARA DALLAS
TIMOTHY ADKINS
EDITH CAROL LEWIS
JESSICA DIANN SPENCER
DARREN WITHEROW
ROBERT PALMER
DEBORAH PARKER

LAURA RUSSELL
WESLEY PHY
SILVIA COLE
ANGEL ARNOLD
COURTNEY LEWIS
MICHELLE RUTH
SUSAN WINNINGHAM

Ms. Schabacker made a motion seconded by Dr. Mack to approve all of the Agreed Citations with the exceptions of Barbara Dallas and Wesley Phy. The motion carried.

The Agreed Citations for Ms. Dallas and Mr. Phy were deferred due there not being a quorum because of two members needing to recuse themselves.

Correspondence

Eleanor R. Wagner, Office of Legal Affairs Director for The Joint Commission submitted a letter asking whether a medical delivery technician can set pressures on CPAP and BiPAP devices when a machine is installed in a person's place of residence. The Board responded that a technician can deliver the equipment and perform maintenance on the equipment. This excludes instructing the patient on the application of the equipment. Dr. Mack made a motion seconded by Ms. Schabacker to approve the response drafted by Mr. Bozarth (attached hereto). The motion carried.

Ratifications

A motion was made by Ms. Schabacker and seconded by Mr. Major to approve the following lists of initial and reinstatement applications for licensure. The motion carried.

REGISTERED RESPIRATORY THERAPISTS

NEW LICENSES

HEATHER MARIE ADKINS
MELISSA MURPHY ALMARODE
HEATHER SMITH AUSTIN
YOLANDA YVETTE BATTS
CORY BRANDON BEATTY
TOMANDRA L. BLACKMAN
KRUTI BRAHMBHATT
BROOKLYN DAWN BROWN
MARION MARTIN BROWN II
TANYA LAMB BUCHANAN
ELIZABETH MARGARET CAMPBELL
ERIN KAY CANTRELL
WHITNEY LEE ANN CHINERY
LONI SMITH CLEMONS
MISTY ANN GREEN CRESSWELL
STEPHANIE DAWN CRIMM
LA QUITA MICHELLE DAVIS
STEPHEN THOMAS DEATON
SARA ALDEN DESBIENS
MICHAEL RYAN DICKENS
DARLA JEAN DISHMAN
RICHARD WAYNE DOANE
JOHN THOMAS FICKBOHM
DIANE WALTERS FORD
BROOKLYN DAVIS FOSTER
VICTORIA MINNICK GREEN
TIFFANY FRANZONE HAVARD
ADAM MARSHALL HURT
AMANDA PITTS INSCO
WENDY DAVIS JACKSON
JOSEPH TIMOTHY JOHNSON
LACEY GANN JOHNSON
TIKITA LASHANE JOHNSON
CYNTHIA JACKS JONES

TENEISHA RACQUEL JONES
EVERETT ERIC KORB
SCHEHERAZADE NOOR LAMALE
JALYCE LASHON MARTIN
KAWANA RHONDA MARTIN
KIMBERLY RENEE' MARTIN
AMEN-RA MCCARTHY
LENA LISA MCMILLIAN
SUSAN BOMAR MILLIKEN
JENNIFER BEASLEY MOONEY
CYNTHIA GIBSON MORATELLI
SARA M. OLD
BRANDON SCOTT PARKER
EVELYN PRINGLE
BRIAN KEITH PRUITT
KEVIN ALAN PRUITT
JENNIFER N READ
ROY RICHARD REDMAN
MATTHEW MICHAEL RIVARD
MARCO ROGERS
DARRELL DEWAYNE SANDERS
ANDREIA ALMEIDA SAYLOR
ROSE MARIE SCHWARTZ
SONAL JIGESH SHAH
JENNIFER JUNE STEMPIEN
KATRINA ANN STONECIPHER
DIANE GUY TAYLOR
AMBER HIGGINS THOMPSON
PAMELA TAI THOMPSON
JONARD FAUSTO TIMBOL
MELISSA LOUTHAN TRENT
CHRISTOPHER JOHN VALDEZ
KEECHA ALEXANDER VALENTINE
CHRISTOPHER WILL VINSON
JANELLE JOY VOSEN

JINI BARR VAN DE WATER
TAMARA DENISE WATSON
MICHAEL SCOTT WEBB
TEDDIE EUGENE WELCH
MARSHA NEAL WEST
DENNIS H WHEELER
ALEXANDRIA SUZANNE WHITE
LAWANDA MARIE WILLIAMS

CHERYL LYNN WILLIAMSON
TONYA LYNN WINDSOR
STEPHANIE GOLLAHER
WOODCOCK
SARAH MAC MILLAN YOUNG

REINSTATEMENT

DANA L COUNIHAN

CERTIFIED RESPIRATORY THERAPISTS

NEW LICENSES

SABA UL-ANN AHMED
KIMBERLY HONEYCUTT ALLEN
LAVONNE YVETTE APPLETON
CORY BRANDON BEATTY
KATHY DENISE BIBLE
DAVID DOZIER BLACK
MICHAEL ERIC BLOCKLEY
ASHLEY NICOLE BOYD
TREVOR ALEX WILLIAM CABLE
BRANDI DENISE CASTLE
KATHERINE HARGIS CHASE
CHARLENE NICOLE CHRISTIAN
LONI SMITH CLEMONS
JENNIFER PERRY COBB
JESSIE BROWN COOPWOOD
ASHLEY RAE CRUSE
KARLON DALLAS-DOTSON
TONYA RIVER DALTON
AMBER LEE ANN DEMMA
ELIZABETH METCALF EATON

JOHN THOMAS FICKBOHM
STEPHANIE KRESS GLATT
CASSANDRA LENORA GRAY
BEVERLY ELAYNE HESTER
TIMOTHY MICHAEL HOULE
LOLA MONE'T JONES
SCHEHERAZADE NOOR LAMALE
BEVERLY J. MANNING
DENNIS EVANS NORDQUIST
JOHN ETHAN OAKES
NINA NIKOLAYEVNA
PROKHNEVSKIY
TIFFANY BAGWELL QUINLAN
SHARON DENISE RILEY
MATTHEW MICHAEL RIVARD
HOLLY CHATHAM ROWLAND
MONICA KAYE THOMPSON
KENNETH RICHARD WALKER

REINSTATEMENTS

HANNAH JILL BIRD
TENNILLE EILENE EMERY
TOMEKA TONYELL JONES

Administrator's Report

Ms. Webb presented the following licensure status report:

As of August 26, 2009 the numbers of active licensees were:

- RRT—2547

- CRT—1885
- RCA—25

Board activity totals from June 24, 2009 through August 26, 2009

RRT	CRT
New licenses—69	New licenses—37
Reinstated—1	Reinstated—3
Retired—12	Retired—9
Failed to Renew—10	Failed to Renew—26

Board Members

The Hospital Administrator position is still vacant. All other positions are filled. Dr. Mack and Ms. Partee were reappointed.

Board Consultants

Ms. Schabacker made a motion seconded by Dr. Mack to use Board members as consultants on a rotating basis. The motion carried.

Financial Report

The financial report for FY 2009 will be mailed to Board members as soon as it is completed.

Adjournment

There being no further business, the meeting was adjourned at 1:00 p.m.

These minutes were ratified at the November 17, 2009 meeting.



**STATE OF TENNESSEE
DEPARTMENT OF HEALTH
BUREAU OF HEALTH LICENSURE AND REGULATION
DIVISION OF HEALTH RELATED BOARDS
227 FRENCH LANDING, SUITE 300
HERITAGE PLACE METRO CENTER
NASHVILLE, TN 37243-1010
tennessee.gov/health**

Tennessee Polysomnography Professional Standards Committee
227 French Landing, Suite 300
Nashville, Tennessee 37243

Re: Rule 0880-14-.09(1)(c)

Dear Chairperson:

The Tennessee Respiratory Care Board voted to request that your Committee and the Board of Medical Examiners amend Rule 0880-14-.09(1)(c) to also allow continuing education courses approved by the Tennessee Society for Respiratory Care and the American Association for Respiratory Care to be utilized to satisfy the continuing education requirements of Polysomnography Professional Standards Committee's licensees.

Sincerely,

Candace Partee, RRT
Chair, Tennessee Board of Respiratory Care

Cc: Board of Respiratory Care Offices
Board of Medical Examiners Offices